

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

LIBERTARIAN PARTY OF NEW HAMPSHIRE
BOB BARR, WAYNE ROOT, BRANDAN
KELLY and HARDY MACIA

Plaintiffs,
v.

WILLIAM M. GARDNER, in his Official Capacity
As Secretary of State of New Hampshire

Defendant.

Case 08-CV-367

MEMORANDUM OF LIBERTARIAN CANDIDATE FOR U.S. SENATE KENNETH E. BLEVENS SR. AS AMICUS CURIAE,

NOW COMES: Kenneth E. Blevens Sr. the Libertarian candidate for U.S. Senate for the state of New Hampshire and being acknowledged by major news media as the most recognized Libertarian in New Hampshire having an undeniable interest in the filed complaint and asks that the court be mindful of these issues.

1. Candidate and Plaintiff Bob Barr and other Plaintiffs are not representing all the facts.

a. Libertarian candidate for U.S. Senate Ken Blevens is one of two candidates under New Hampshire law who can gain political party status under New Hampshire election law for the Libertarian Party of New Hampshire (LPNH). Gaining political party status is a major goal of LPNH. Blevens gains Party status for LPNH by obtaining 4% of votes cast.

b. Barr via his leadership PAC The Bob Barr Leadership Fund (BBLF) has contributed thousands of dollars in this 2008 election cycle to Republican U.S. Senate candidate John Sununu, who is an opponent of Blevens. As shown by their Federal Election Commission (FEC) filings, BBLF also funded many other non-libertarian-leaning Republicans. By supporting Sununu, Barr reduced the likelihood that Blevens will get 4% of the vote. Plaintiff Barr has recently worked against the best interests of LPNH.

c. Barr was during 2007 and 2008 a voting member of the Libertarian National Committee (LNC). LNC Members are charged with carrying out the party objective 'building a political party that elects Libertarians to public office. Barr was subject to LNC Bylaws and Rules, which require each LNC Member to disclose conflicts of interest. A reasonable man in 2007 would have expected that in 2008 LPNH would run a candidate for U.S. Senate. Barr failed to disclose to the LNC his conflict of interest, namely that he was actively working against a party objective fixed in the Bylaws by funding political opponents of Libertarians, including Blevens. Barr has thus recently committed acts of bad faith against the LNC.

d. Because Barr has recently worked against the best interests of LPNH, and has resorted to acts of bad faith to mask his acts, Barr and Plaintiffs cannot be assumed to be acting in good faith in making their filing.

e. In April 2007 LPNH held a nominating convention to choose candidates for the 2008 election cycle. Said convention was widely publicly announced to Libertarian Presidential candidates. Candidates and convention delegates were advised that New Hampshire does not allow candidate substitution, so persons nominated at convention would if enough signatures were gathered remain on the 2008 General Election Ballot.

f. LPNH Bylaws allow 'None of the above' (NOTA) as a choice for each nomination. If NOTA wins the nomination, the line is left vacant. New Hampshire Libertarians therefore had the option of voting in convention not to nominate a presidential candidate. New Hampshire Libertarians in convention assembled instead consciously rejected this choice and chose to nominate Phillies as their presidential candidate.

g. The effect of the convention vote was to direct New Hampshire Libertarians as to what candidate names to place on nominating papers. Such directive had no force of law. The sole force of the directive was to incite voluntary effort. As a result of the directive, many Libertarian volunteers across New Hampshire collected signed nominating papers identifying the candidate as "Libertarian" and placed Phillies on the ballot.

h. LPNH is not a recognized political party. The volunteers who placed Phillies on the ballot and the LPNH Executive Committee (LPNHExComm), identified as "LPNH" as a plaintiff) are equally creations of the LPNH State Convention. The Libertarian volunteers who placed Phillies on the ballot have at least as sound a claim to use the Libertarian Party name for Phillies as Plaintiff LPNHExComm does for Barr.

WHEREFORE; Candidate Ken Blevens prays the United States District Court dismiss this lawsuit and allow both candidate names to appear on the New Hampshire ballot as Libertarians as required by present New Hampshire Law and supported by Secretary of State of New Hampshire William M. Gardner

Kenneth E. Blevens Sr.
Respectfully submitted,

Libertarian Kenneth E. Blevens Sr. Pro se.
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I have this date e-mailed a copy of this memorandum to attorneys for the plaintiffs and the defendant.

Kenneth E. Blevens Sr.
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